

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|---------------------------|---|------------------------------------|---------------------------------|
| Investigator: Cassandra Fenkel | Team: Squad #10 | CCRB Case #: 201503630 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Thursday, 01/22/2015 9:30 PM | Location of Incident: 135th Street and Liberty Avenue | Precinct: 103 | 18 Mo. SOL 7/22/2016 | EO SOL 7/22/2016 | |
| Date/Time CV Reported Mon, 04/27/2015 2:55 PM | CV Reported At: CCRB | How CV Reported: Mail | Date/Time Received at CCRB Thu, 05/07/2015 2:55 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POM Deangelo Jones | 02393 | 935080 | 103 PCT |
| 2. POM Lance Walter | 30215 | 951417 | 103 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A.POM Lance Walter | Force: PO Lance Walter used physical force against § 87(2)(b) | |
| B.POM Deangelo Jones | Force: PO Deangelo Jones restricted § 87(2)(b)'s breathing. | |

Case Summary

On January 22, 2015, at approximately 9:30 p.m., § 87(2)(b) § 87(2)(b) bought marijuana at the corner of Van Wyck Boulevard and Liberty Avenue in Queens. As § 87(2)(b) § 87(2)(b) walked down Liberty Avenue, a marked police vehicle pulled up next to him. § 87(2)(b) § 87(2)(b) fled on foot down Liberty Avenue, toward 135th Street. PO Lance Walter chased after § 87(2)(b) § 87(2)(b) on foot, while PO DeAngelo Jones drove in the RMP. § 87(2)(b) § 87(2)(b) disposed of the marijuana and stopped running on 135th Street. PO Walter ordered § 87(2)(b) § 87(2)(b) to the ground and he complied. § 87(2)(b) § 87(2)(b) placed his right hand behind his back and PO Walter secured it in handcuffs, subsequently asking for § 87(2)(b) § 87(2)(b) other hand. PO Walter then allegedly punched the right side of § 87(2)(b) § 87(2)(b) face, along his cheekbone, eye, and temple area, with a closed fist, striking him continuously 4 times (**Allegation A**). PO Jones arrived and allegedly placed his leg, from the knee down, between the side of § 87(2)(b) § 87(2)(b) head and neck, restricting § 87(2)(b) § 87(2)(b) breathing (**Allegation B**). PO Walter then allegedly punched § 87(2)(b) § 87(2)(b) again multiple times in the same location on § 87(2)(b) § 87(2)(b) face (subsumed within **Allegation A**). § 87(2)(b) § 87(2)(b) was positively identified as a burglary suspect after a show-up. He was transported to the 103rd Precinct stationhouse, where he asked PO Jones for medical treatment and was taken to § 87(2)(b) § 87(2)(b). § 87(2)(b) § 87(2)(b) reported chest pain and shortness of breath and small, non-tender, abrasions to the face were noted. § 87(2)(b) § 87(2)(b) was charged with § 87(2)(b) § 87(2)(b). He is currently incarcerated at Rikers. No video footage of the incident was obtained.

Mediation, Civil, and Criminal Histories

This case was not eligible for mediation due to § 87(2)(b) § 87(2)(b)'s arrest. § 87(2)(b) § 87(2)(b) filed a Personal Injury Claim Form with the City of New York on § 87(2)(b) § 87(2)(b) and although attempts were made to obtain the 50H transcripts, they have yet to be obtained (Board Review 1). § 87(2)(b) § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b)

Civilian and Officer CCRB Histories

This is the first CCRB complaint filed by § 87(2)(b) § 87(2)(b) (Board Review 3).

PO Lance Walter has been a member of the NYPD for 3 years. He has had 1 previous CCRB case involving a physical force allegation, which is currently under investigation by the CCRB.

PO DeAngelo Jones has been a member of the NYPD for 11 years. He has had 2 previous CCRB cases with 3 allegations including physical force, discourtesy, and threat of arrest. The allegations were closed as complaint withdrawn, complaint withdrawn, and complainant uncooperative, respectively.

Potential Issues

An attempt was made to acquire TARU video footage from the intersection of 135th Street and Liberty Avenue in Queens. However, given the four month delay in reporting the complaint, the video footage had been deleted by the start of the investigation.

Additionally, although two witnesses, identified by the investigation as § 87(2)(b) and § 87(2)(b) were spoken to regarding their observations of the incident, once § 87(2)(b) was brought down to the ground, their views were obstructed by a vehicle (Board Review 4). § 87(2)(g)

Allegations not pleaded

Stop: § 87(2)§ 87(2)(b) was detained within one minute of a report of a burglary, which was transmitted over the radio. The perpetrator was described as a being a Hispanic male, wearing a black puffy jacket or vest, a black hoodie, and black pants, fleeing in the direction of 105th Avenue and Remington Street (Board Review 5). § 87(2)(b) matched the description provided and was also headed in the direction of reported flight (see PO Walter's and PO Jones' statement). § 87(2)(g)

Findings and Recommendations

Allegation A-Force: PO Lance Walter used physical force against § 87(2)(b)

§ 87(2)(g)

During § 87(2)(b) in-person CCRB statement, he stated that after PO Walter handcuffed his right hand and asked for § 87(2)(b) left hand to handcuff, PO Walter allegedly punched § 87(2)(b) on the right side of his face, along his cheekbone, eye, and temple area, with a closed fist, striking him continuously 4 times (see § 87(2)(b) statement).

§ 87(2)(b) acknowledged that an officer approached § 87(2)(b) grabbed him by the backpack, spun him around, and two other officers grabbed him by the arm and took him to the ground. § 87(2)(b)'s view was blocked when § 87(2)(b) was on the ground (see § 87(2)(b)'s statement).

During PO Lance Walter's CCRB interview, he stated that after § 87(2)(b) was brought to the ground, PO Walter and PO Deangelo Jones rolled § 87(2)(b) onto his stomach. § 87(2)(b) tucked his arms underneath his body and struggled to give up his hands. PO Walter and PO Jones were able to grab § 87(2)(b) arms and put them behind his back, ultimately handcuffing him. Neither PO Walter nor PO Jones punched § 87(2)(b). During the handcuffing process, § 87(2)(b) stated that he was having trouble breathing and was offered an ambulance at the stationhouse, and escorted to § 87(2)(b) (see PO Walter's statement). PO Deangelo Jones corroborated PO Walter's statement almost in its entirety, including confirming that neither officer punched § 87(2)(b) (see PO Jones' statement).

§ 87(2)(b) arrest photograph documented small abrasions on the right side of his face above his temple (Board Review 6). This is consistent with § 87(2)(b) medical records, which note small, non-tender, abrasions to his face (see Medical Records folder). No contusions or other injuries associated with a punch to the face are noted in § 87(2)(b) medical records. According to his medical records,

§ 87(2)(b) alleged that officers tackled him to the ground after he ran away, § 87(2)(g) [REDACTED]. In his CCRB interview, § 87(2)(b) did not allege that he was tackled to the ground by officers, and instead testified that he complied with instructions to get on the ground. It is not documented in § 87(2)(b) medical records that he ever complained to medical personnel of having been punched by any officer, as § 87(2)(b) only reported chest pain and shortness of breath as a result of running from the police and being tackled to the ground (see Medical Records folder). The Medical Treatment of Prisoner Report made no mention of injuries to § 87(2)(b) face (Board Review 7).

In § 87(2)(b) Personal Injury Claim form, § 87(2)(b) made additional inconsistent statements regarding injuries he sustained during the encounter. § 87(2)(b) alleged that an officer hit him in the chest and face, while another placed his knee on his head, causing injuries to his face, forehead, back, cut to his lips, and chest pain (Board Review 1). § 87(2)(b) medical records make no mention of cuts to his lips or injuries to his back, and no cuts to § 87(2)(b) lips are documented in his arrest photograph. Moreover, in § 87(2)(b) in-person CCRB interview, held approximately 3 weeks after his personal injury claim was filed, § 87(2)(b) made no mention of cuts to his lips, nor did he allege that an officer hit him in the chest.

§ 87(2)(g) [REDACTED]

Allegation B: Force-PO Deangelo Jones restricted § 87(2)§ 87(2)(b) s breathing.

It is undisputed that PO DeAngelo Jones assisted in handcuffing § 87(2)(b) [REDACTED]. § 87(2)(g) [REDACTED]

During § 87(2)(§ 87(2)(b) s in-person statement, he stated that as he lay on the ground, PO DeAngelo Jones arrived from the RMP and placed his leg, from the knee down, between the side of § 87(2)(b) head and neck for approximately 30 seconds, restricting his breathing. § 87(2)(b) did not recall what side PO Jones was on. § 87(2)(b) did not say anything to PO Jones in regards to his restricted breathing. § 87(2)(b) has chronic asthma and sleep apnea. § 87(2)(b) was later transported to § 87(2)(b) (see § 87(2)(b) statement). § 87(2)(b) medical records note that § 87(2)(b) reported chest pain and shortness of breath as a result of running from the police and being tackled to the ground (see Medical Records folder). § 87(2)(b) Medical Treatment of Prisoner form indicates that § 87(2)(b) had respiratory difficulty, specifically, “Difficulty breathing, chest pain.” (Board Review 7) In § 87(2)(b) Personal Injury Claim form, § 87(2)(b) alleged that an officer

placed his knee on his head, reporting injuries to his face, forehead, and back, cut to his lips, and chest pain (Board Review 1).

During PO DeAngelo Jones' CCRB interview, he stated that after § 87(2)(b) was "balled up" on the ground, PO Jones was able to get his arm around § 87(2)(b) elbow and put it behind his back, handcuffing it. No officer was on top of § 87(2)(b) including his head, neck, or back. PO Jones was on the concrete near § 87(2)(b) head, while PO Walter was near his legs. When asked if any officer did anything that could have restricted § 87(2)(b) breathing, PO Jones stated, "Absolutely not." At the stationhouse, § 87(2)(b) made mention of having trouble breathing for the first time, but did not say why, and was transported to the hospital (see PO Jones' statement).

During PO Lance Walter's CCRB statement, he stated § 87(2)(b) struggled to provide his hands for 10-15 seconds, but the officers were able to handcuff him. Neither PO Walter nor PO Jones placed their legs or knees on § 87(2)(b) head or neck. During the handcuffing process, § 87(2)(b) stated that he was having trouble breathing, but did not state why. § 87(2)(b) was offered an ambulance at the stationhouse and escorted to § 87(2)(b) (see PO Walter's statement).

§ 87(2)(g)

Pod: _____

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date